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April 7, 2010

BY E.C.F. AND HAND DELIVERY

Honorable John Gleeson
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Robert James v. The City of New York, et al.
08 Civ. 3307 (JG) (LB)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above referenced matter. Defendants write to inform the Court that the parties have reached a settlement and, accordingly, defendants respectfully submit the enclosed stipulation and order of settlement and dismissal, executed by the parties, for the Court's endorsement.

Defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "A. Myerberg", written over a horizontal line.

Andrew Myerberg
Assistant Corporation Counsel
Special Federal Litigation Division

Encl.

Cc: Honorable Lois Bloom (by E.C.F.)
United States Magistrate Judge

Robert James (by mail)
Plaintiff Pro Se
06-A-5071
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, New York 12953

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT JAMES,

Plaintiff,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

- against -

08 CV 3307 (JG) (LB)

CITY OF NEW YORK; DETECTIVE GEORGE
WOLFROM; SERGEANT RAYMOND MARTINEZ;
DETECTIVE WALIUR RAHMAN; SERGEANT
DWIGHT SMITH; DETECTIVE DARNAY HARRIS;
DETECTIVE JOHN GAMBLE; DETECTIVE CHARLES
HARMON; DETECTIVE DAVID LUPPINO;
DETECTIVE JARRETT LEMIEUX; DETECTIVE JOHN
SCHABHUTTL,

Defendants.
----- X

WHEREAS, plaintiff commenced this action by filing a complaint on or about May 30, 2008, and an amended complaint on or about April 24, 2009, alleging that certain of his federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay to ROBERT JAMES the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), to be paid in full satisfaction of all claims, whether arising under federal or state law, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendants City of New York, George Wolfrom, Raymond Martinez, Waliur Rahman, Dwight Smith, Darnay Harris, John Gamble, Charles Harmon, David Luppino, Jarrett Lemieux, and John Schabhuttl, and to release all defendants and all present and former employees or agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and Plaintiff's Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

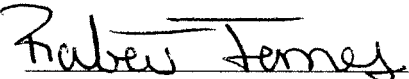
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 31, 2010

ROBERT JAMES
Plaintiff Pro Se
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, New York 12953

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(212) 788-0869

By: 
Robert James

By: 
Andrew Myerberg
Assistant Corporation Counsel

SO ORDERED:

HON. JOHN GLEESON, U.S.D.J.